

**CANNABIS FOR PRIVATE PURPOSES BILL, 2020 (B 19 OF 2020)**  
**Comments and Responses: Commercial Hemp Activities**  
**Portfolio Committee on Justice and Correctional Services**

**Comments received:**

- 1. Afristar**
- 2. Cannabis Action Group**
- 3. Cannabis Trade Association Africa**
- 4. Magingqi Community Trust**
- 5. COSATU**
- 6. Doctors for life**
- 7. Etienne van Zyl**
- 8. Fields of Green for ALL**
- 9. Green Mammoth NPC**
- 10. Grow One Africa**
- 11. IGNITED**
- 12. Inkwazi Farming Group**
- 13. JD Acton**
- 14. Marijuana Board Of South Africa**
- 15. New Race Consciousness**
- 16. Order of the Nyahbinghi of South Africa**
- 17. Cullinan and Associates**
- 18. Qure (Pty) Ltd**
- 19. RasTafari Nation Council**
- 20. Tijmen Grooten**
- 21. Umzimvubu Farmers Support Network**
- 22. Western Cape Government**
- 23. Max Ozinsky**
- 24. Garreth Prince**
- 25. Moleboheng Semela**
- 26. Michael Fagan**

## PART II – CLAUSE 11 TO 14 OF THE BILL

Item	Comments	Responses
1.	<p><b>1. Afristar</b></p> <p>1.1 Opposed to the regulation of industrial cannabis/hemp for industrial purposes as it creates a licencing permitting system that is a barrier to entry to the rural poor and continues to leave the existing smallholder cannabis farmers out of potential value chain. There is no clear motivation for the Department to follow this approach, as it falls entirely on Parliament and the South African government to determine how to approach cannabis for industrial purposes.</p> <p>1.2 It is enquired as to why are we attempting to regulate an agricultural commodity at the point of production, and it is submitted that if regulation is required, then we must regulate at the point of processing. This will open the door to include small holder farmers to utilize the crop they already have.</p> <p>1.3 It is submitted that the term "industrial cannabis" instead of "hemp" should be used to describe cannabis that is grown for industrial purposes, and this can expand the potential uses of our landrace cannabis strains for industrial applications. This will allow for the inclusion of landrace strains, which are already widely cultivated in South Africa, in the emerging cannabis industry. Landrace cannabis strains are traditionally grown by local farmers and cultivators in rural areas, often for personal use or to sell in local markets.</p>	<p>1.1 The Bill provides for national legislation to be enacted to regulate the total commercialisation of cannabis and hemp. Many role-players are opposed to the commercialisation provisions being included in the Bill. Therefore, the Department has reconsidered the position and will now propose to the Committee to remove Chapter 2 (dealing with cannabis commercial activities and commercial hemp activities) from the Bill in its entirety.</p> <p>1.2 The Department will propose to the Committee that the Bill be revised to regulate only cannabis that is to be used in private as contemplated in the Prince judgment.</p> <p>1.3 The term "hemp" is synonymous to "industrial cannabis". The use of the term hemp does not cause confusion on its understanding that it refers to industrial cannabis. However, it will be proposed that the Bill be amended to regulate only the cannabis with psychoactive component, to the exclusion of hemp which will be regulated by the contemplated commercialisation legislation.</p>

2.	<p><b>2. Cannabis Action Group</b></p> <p>2.1 It is submitted that the inclusion of hemp definitions in the proposed legislation further complicates the issue and is not supported by scientific evidence.</p> <p>2.2 It is submitted that the attempt to redefine cannabis (through molecular subsets) in a convoluted and nonsensical way is a misguided approach that will only lead to confusion, corruption, and ultimately violate the human rights of South African citizens.</p> <p>2.3 Instead of redefining cannabis in a way that only creates confusion and injustice, the government should embrace a clear and concise definition of the plant and establish a regulatory framework that enables safe and legal access to cannabis for all South Africans.</p> <p>2.4 It is proposed that in keeping with WHO principles the Bill should not criminalize citizens.</p>	<p>2.1 It will be proposed that the definition of hemp be removed from the Bill, as it will then be regulated by the commercialisation legislation.</p> <p>2.2 &amp; 2.3 It is not clarified how the way cannabis is defined in the Bill could lead to confusion and injustice. However, the definition will be revised to be simple for consideration by the Committee.</p> <p>2.4 The proposal is supported and the proposal will be made for the penalties in the Bill be reduced to penalize certain serious cannabis related offences, in line with the Prince judgment.</p>
3.	<p><b>3. Cannabis Trade Association Africa</b></p> <p>3.1 They applaud the introduction of the section on commercial activities regarding cannabis. They eagerly await the opportunity to make submissions and proposals on how such commercial regulatory frameworks should be structured.</p> <p>3.2 The allocation of powers of governance and oversight of hemp and hemp related activities to the Department of Agriculture, Land Reform and Rural Development is supported.</p>	<p>3.1 &amp; 3.2. It will be proposed to the Committee that the commercialisation clauses be removed from the Bill, due to many opposition thereto.</p>

	<p>3.3. The Bill defines cannabis in accordance with different forms, quantities, sizes and levels of maturity of the cannabis plant, and distinguishes cannabis from "hemp" (as defined). "Hemp" as commonly referred to should not refer to a cannabis plant of a particular composition of cannabinoids, but rather a type of cannabis plant which is suitable for industrial use and purposes. The definitions of "hemp" and "hemp product" should refer to its industrial use as opposed to its composition of cannabinoids.</p> <p>3.4 It is submitted that cannabis has a variety of different uses and in each instance various amounts of plant matter need to be cultivated. For instance, an individual who desires to grow cannabis to create hemp bricks in order to add an extension to his/her house, or to create hemp fuel for his/her diesel engine, then such individual would require far more than four plants to achieve this goal.</p> <p>3.5 This issue should not be resolved through the enactment of onerous hemp cultivation regulations which would require such individuals to apply for licenses and meet growing standards that do not serve to guard against any harms.</p>	<p>3.3 National legislation will be enacted to further regulate cannabis and hemp for commercial purposes as opposed to the Bill which is merely intended to regulate cannabis for personal use and cultivation in private. Proposals will be made to the Committee for the Bill to be revised to deal strictly with the psychoactive component of cannabis, so that the entire plant could be regulated by other legislation. The proposals will also include the removal of different forms, quantities, sizes and levels of maturity of the cannabis plant. The latter are some of the criticism levelled against the Bill in its entirety.</p> <p>3.4 &amp; 3.5 The earlier version of the Bill limited the quantity of four plants specifically to cannabis with THC content (dagga). On the other hand, cannabis (hemp) with content that does not have narcotic effect, was regulated by clause 12 in terms of which a permit would be issued to undertake certain hemp activities. The Department proposes the removal of this clause, so that the national legislation that will be promulgated will cover users who need more cannabis for other purposes than for just smoking, which is what the Bill initially covered.</p>
4.	<p><b>4. Magingqi Community Trust</b></p> <p>4.1 They argue that there is little to no need to regulate an industry aimed at processing and manufacturing building, and other industrial materials. It is submitted that landrace cannabis sativa, should be included as an approved cultivar or that certain exemption elements be considered for local, traditional and traditionally farmed landrace strains.</p>	<p>4.1 The cannabis industry is different as cannabis has THC content that requires it to be regulated as is the case with other narcotic substances. To regulate cannabis also complies with the United Nations conventions that the country is a signatory to. The Bill will validate the permits issued in terms of other legislation.</p>

	<p>4.2 It is enquired as to why we aim to regulate an agricultural commodity at farmer level and not at processing level. Comparatively, hops farming is not regulated, but the manufacturing of beer is. If a maize farmer provides maize to a mill, the mill is regulated on product content and components, not the farmer. Why would industrial cannabis then need to be over regulated and entry barriers be implemented that prevents thousands from entering the industry?</p> <p>4.3 It is proposed the insertion of provisions that promote access to the industry to the traditional cannabis growing communities in the country who have faced persecution and trials for generations in the past.</p> <p>4.4 Most of farmers are living of social grants, and the cost of hemp permits is unaffordable for traditional farmers.</p> <p>4.5 It is further proposed the insertion of provisions that promote the “fit for purpose” approach, where industrial and/or commercial cannabis is considered for the purpose it is processed and regulated at that point.</p> <p>4.6 It is requested that Parliament should consider distinguishing between commercial and industrial cannabis.</p>	<p>4.2 The Bill is proposed to now deal with the end product of cannabis with psychoactive component, and other aspects of the plant with be regulated in terms of the commercialisation legislation.</p> <p>4.3 The Bill provides for the issuing of permits for access to cannabis in terms of other applicable legislation. There are provisions for expungement of criminal records of those convicted for possession and use of cannabis.</p> <p>4.4 The Bill does not and cannot deal with the fees that are paid in respect of permit applications, as these fees are regulated in terms of the applicable legislation.</p> <p>4.5 The Department will propose to the Committee the total removal of hemp commercialisation clauses from the Bill, so as to pave way for commercialisation legislation to be enacted in this regard.</p> <p>4.6 This is matter to be dealt with in the national legislation that will commercialize cannabis.</p>
5.	<p><b>5. COSATU</b></p> <p>5.1 Supports the passage of the Bill in principle to address the Constitutional Court directive to legalise cannabis and to provide a</p>	<p>5.1 The support is noted, except that the CC did not permit the sale of cannabis. However, contemplated</p>

	<p>legal framework for the legal cultivation, sale and consumption of cannabis and related products.</p> <p>5.2 It is submitted that Parliament should pass the Bill as it is rapidly running out of time to do so before the 2024 elections and in order to meet the timeframes of the Constitutional Court directive.</p>	<p>commercialisation legislation will regulate the sale of cannabis and related products.</p> <p>5.2 The submission is noted. The deadline set by the Constitutional Court for Parliament to correct the constitutional defects has passed, and the reading-in proposed by the Court is applicable until the Bill is ultimately passed.</p>
6.	<p><b>6. Doctors for life</b></p> <p>6.1 It is submitted that when the United States Agriculture Improvement Act of 2018 (2018 Farm Act), was passed, hemp became legal and could be grown commercially, provided the THC content is less than 0.3%. The enactment of this legislation resulted in the emergence of a legal ambiguity that was subsequently exploited by businesses to engage in the sale of Delta-8 THC. Delta-8 THC is an isomer of Delta-9 THC with similar effects and has not been evaluated by the American Food and Drug Administration (FDA) for human use.</p> <p>6.2 Delta-8 THC has not been evaluated or approved by the South African Health Products Regulatory Authority (SAHPRA). However, this molecule's effect on humans is comparable to that of Delta-9-THC.</p> <p>6.3 Many U.S. states, including some that have legalised and commercialised cannabis, have already banned the Delta-8 THC molecule. Delta-8 THC has psychoactive and intoxicating effects. Delta-8 THC products often involve the use of potentially harmful</p>	<p>6.1 Submissions noted and national legislation to be promulgated to regulate hemp commercialisation will consider international experiences to curb the identified challenges.</p> <p>6.2 Noted, but this is not a matter to be dealt with in the Bill.</p> <p>6.3 The decision falls on SAHPRA to ban Delta-8 or not. This is not a matter for the Bill to deal with.</p>

<p>chemicals in order to create the high concentrations of delta-8 THC claimed in the marketplace.</p> <p>6.4 Some manufacturers use unsafe household chemicals to produce their own version of CBD oil. This illustrates the growing concern surrounding these products arising during the production of CBD and CBD oil from hemp.</p> <p>6.5 Concentrated amounts of delta-8 THC are typically manufactured from hemp-derived cannabidiol (CBD). Delta-8 THC is a psychoactive substance that has the same effects as Delta-9-THC. This is of great concern. Not only is the addictive effect very problematic, but the effect on the central nervous system, leading to a major increase in motor vehicle accidents where 9-THC has been legalised for private use in different countries, primarily the USA is of great concern. It also has a schizophrenogenic effect in specific people and this mirrors the effect of Delta-9- THC.</p> <p>6.6 The commercialization of hemp falls unequivocally outside the purview of the Cannabis for Private Purposes Bill, which is supposedly designed to regulate the private use of cannabis. Given the distinct nature of hemp and its vast potential abuses, it is strongly recommended that a separate, dedicated Bill be introduced to address its potential negative effects. This would ensure that the full legislative process is rigorously followed, allowing for comprehensive consideration of harms as mentioned in the submission. There are numerous risks and significant health concerns associated with hemp derivatives. It would be reckless to attempt to incorporate it into the existing legislation without proper consideration. By</p>	<p>6.4 It is not easy to regulate what is done within the boundaries of any household. However, any product that is produced for public consumption is subject to testing and compliance with certain permissible standards.</p> <p>6.5 Noted, and it is not a matter for the Bill to deal with.</p> <p>6.6 The submission is supported, and the contemplated commercialisation legislation will regulate hemp in its entirety and deal with such aspects as harm and demand reduction. This legislation will be subjected to extensive consultative process to address all relevant aspects. Therefore, the concerns raised in the submission will be addressed in that legislation.</p>
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	<p>introducing a separate Bill, lawmakers can ensure that these risks are thoroughly addressed.</p> <p>6.7 Proposed the creation of a regulatory authority to control the hemp industry, because a state laboratory will become necessary to monitor the producers of hemp and hemp products.</p> <p>6.8 Regulations should be implemented to govern the use of hemp derivatives, specifically prohibiting their appearance as confectionery items that may be mistaken for sweets by children and accidentally consumed. This is an important measure to protect the health and safety of children, who may not be able to distinguish between hemp derivatives and regular sweets.</p> <p>6.9 Cannabis (including hemp and its derivatives) and alcohol negatively impact on motor vehicle accidents and in combination have a pronounced effect on accidents. By extrapolation this also applies to workplace accidents.</p>	<p>6.7 &amp; 6.8 The Department will propose the removal of hemp from the purview of the Bill. The proposals made will be addressed in the national legislation.</p> <p>6.9 A Schedule to the Bill amends the National Road Traffic Act to prohibit a person from driving or occupying the driver's seat of a vehicle which is running on a public road whilst that person has blood concentration of prescribed quantities of alcohol, THC, a drug with a narcotic effect or a combination thereof. Labour laws and relevant employment contracts deal with drug and alcohol use at workplace.</p>
7.	<p><b>7. Etienne van Zyl</b></p> <p>7.1 The definition of "hemp" in the Bill constrains the potential of this resource and criminalizes, instead of operationalizing its potentials for the people of South Africa. The preferred term to align with international standards and conventions would be industrial cannabis.</p>	<p>7.1 The term "hemp" is synonymous to "industrial cannabis". The use of the term hemp does not cause confusion on its understanding that it refers to industrial cannabis. However, it will be proposed that the Bill be amended to regulate only the cannabis with psychoactive component, to the exclusion of hemp which will be regulated by the contemplated commercialisation legislation.</p>



	<p>7.2 It is submitted that industrial cannabis or ‘hemp’ does not belong in the Bill at all.</p> <p>7.3 Criminalising hemp cultivation to align with the Plant Improvement Act is not fair, feasible, or sustainable. Such parameters will prove onerous to the already severely overstretched national law enforcement capacity, and poses unconstitutional dangers to the rural poor. Why not develop a compassionate regulatory framework that will accommodate rural economies to thrive?</p> <p>7.4 It is proposed the legalization of industrial cannabis through correcting the unscientific parts of the Bill, as complete legalization of industrial cannabis (hemp) is permissible under international obligations.</p>	<p>7.2 Proposals will be made for the commercialisation provisions of hemp be removed from the Bill. National legislation will regulate hemp in its entirety, and to deal with all other aspects related to hemp.</p> <p>7.3 &amp; 7.4 The contemplated national legislation will regulate the cannabis plant in its entirety.</p>
8.	<p><b>8. Fields of Green for ALL</b></p> <p>8.1 Why is the subject of the use, cultivation and trade in industrial cannabis included in a Cannabis for Private Purposes Bill?</p> <p>8.2 Where are the protections or uses for our unique, diverse and climatically appropriate “landrace” cannabis cultivars that have been a cornerstone of rural cannabis cultivation in South Africa for centuries? This is given the threat of imported “hemp” varieties, pollen drift and unscientific THC thresholds.</p>	<p>8.1 The Bill does not commercialize industrial cannabis, but merely provides that national legislation should be enacted to regulate cannabis and hemp for commercial purposes.</p> <p>8.2 The Bill will only regulate the psychoactive component of the cannabis plant, and the contemplated national legislation will deal with all aspects of cannabis and industrial cannabis/hemp in full.</p>

9.	<p><b>9. Green Mammoth NPC</b> It is submitted that with limited amendment to the Bill, it would allow for the legal operation of cannabis social clubs, pending the finalization of the commercial legislation for cannabis envisaged in the Bill and thus will serve the purpose of interim legislation.</p>	<p>The Bill is intended to regulate the use of cannabis for personal consumption in private, and cannot be amended to provide for social clubs. These may ideally be accommodated in the national legislation intended to commercialize cannabis.</p>
10.	<p><b>10. Grow One Africa</b> It is believed that with limited amendment to the Bill, it would allow for the legal operation of cannabis social clubs, pending the finalization of the commercial legislation for cannabis envisaged in the Bill, and thus will serve the purpose of interim legislation.</p>	<p>The Bill is intended to regulate the use of cannabis for personal consumption in private, and cannot be amended to provide for social clubs. These may ideally be accommodated in the national legislation intended to commercialize cannabis.</p>
11.	<p><b>11. IGNITED</b></p> <p>11.1 It is submitted that farming of cannabis for industrial purposes has no place in the Private Purposes Bill. The Constitutional Court ruling by interpretation includes the growing of industrial cannabis for personal, non-commercial purposes. Commercial cannabis farming should be seen as primary agriculture and regulated by the DALRRD.</p> <p>11.2 Industrial cannabis (or hemp) should be defined as a product from the plant. A suitable definition would be “Hemp refers to the non-psychoactive parts of the Cannabis sativa plant”.</p> <p>11.3 Regulations based on cannabinoid content cannot be enacted without detailed guidelines regarding sampling and testing procedures. These will need a science-based approach that includes consultation with the industry.</p>	<p>11.1 The Bill does not regulate industrial hemp, but leaves it to national legislation to do so. This can be a legislation administered by DALRRD or DTIC.</p> <p>11.2 A plant can have parts with different concentration of psychoactive ingredient, as in the fruiting tops having high THC content and the leaves of the same plant having low THC content. However, it will be proposed that the Bill be revised to deal only with cannabis to the exclusion of hemp.</p> <p>11.3 The proposal is the matter that needs to be dealt with in the national legislation.</p>

	<p>11.4 Any cultivation of hemp should not be regulated under the Plant Improvement Act. The Act is complicated and daunting for aspiring commercial farmers and does not apply to any other crops they are growing.</p>	<p>11.4 The contemplated national legislation will regulate cannabis as a whole.</p>
12.	<p><b>12. Inkwazi Farming Group</b></p> <p>12.1 It is submitted that the Cannabis for Private Purposes Bill remains dysfunctional in many parts and read holistically, advances prohibitist and draconian policies that effectively limit commercial cannabis activities in South Africa.</p> <p>12.2 The restriction of hemp activity to “approved cultivar” is a lethal impediment to a viable, scalable commercial hemp sector in South Africa. By choosing to restrict activity to “approved cultivars” creates a chokepoint whereby it could summarily dismiss all development, restricting activity to select industrial fibre and seed strains.</p> <p>12.3 It is recognised globally that certification processes giving rise to “approved cultivar” classifications for industrial hemp are difficult to develop, usually dysfunctional and have adverse effects on the market.</p>	<p>12.1 to 12.3 The Bill contemplates that the national legislation to be promulgated in future, which will deal with all aspects relating to cannabis and hemp.</p>
13.	<p><b>13. JD Acton</b></p> <p>13.1 The inclusion of the “Hemp Clauses” as drafted is rejected, because in these clauses, the Minister of Justice is appropriating the Cannabis resource to his sole control and dictate when it should be the natural human right of all humans in Nature.</p>	<p>13.1 It is not elaborated as to how in terms of the Bill, the Minister is empowered to appropriate the cannabis resource. However, the Bill will be revised to regulate cannabis with psychoactive component, leaving the contemplated national legislation to regulate hemp.</p>

	<p>13.2 The licence and permitting approach to any commercial activity regarding Cannabis is only intended to exclude the ordinary citizen from the benefits of Cannabis.</p> <p>13.3 The Ministry of Justice is not a fit and competent department to regulate and enforce the cultivation of Cannabis for its fibres, hurds and seeds, and the entire Bill is proof of that.</p>	<p>13.2 It is not explained how the license/permit system would exclude ordinary citizens. However, other countries that decriminalized cannabis are using the permit system to properly regulate the industry.</p> <p>13.3 The submission is supported, hence the Bill contemplates a national legislation to be enacted (by any relevant department) to commercialize cannabis, and it is indeed not within the purview of the Justice Department to commercialize cannabis. The clauses dealing with cannabis commercialisation will, subject to approval of the Committee, be removed from the Bill.</p>
14.	<p><b>14. Marijuana Board Of South Africa</b></p> <p>14.1 It is submitted that the Cannabis for Private Purposes Bill does not adequately address the regulation of the cannabis industry, taxation, or access to medicinal cannabis. Moreover, it risks perpetuating the current inequalities and injustices in the criminal justice system, as it does not address the impact of previous criminalization policies on communities most affected by drug policy.</p> <p>14.2 It is suggested that the Committee should consider the broader benefits of legalizing cannabis, including potential economic benefits and opportunities for research, innovation, and job creation. The regulation of the cannabis industry can also help to ensure the safety and quality of cannabis products, protect consumers, and reduce the risks associated with the black market.</p>	<p>14.1 The highlighted aspects are not for incorporation in the Bill, but in the contemplated national legislation. However, the Bill does provide for expungement of criminal records of those convicted for possession and use of cannabis, and those convicted of dealing in cannabis on the basis of a presumption.</p> <p>14.2 The submission is supported, but this is the matter to be dealt with in the contemplated national legislation.</p>
15.	<p><b>15. New Race Consciousness</b></p> <p>15.1 It is proposed that in clause 13(1) the Minister should be empowered to exempt the previously disadvantaged economically</p>	<p>15.1 Proposals will be made to the Committee for the Bill to be revised to remove the prescribed quantities, which were</p>

	<p>and systematically excluded groups and communities (e.g. members of the Ras Tafari and other CRL communities as a Group) from all or part of the provisions on regulation of hemp to be able to conduct research, economic, teaching and learning activities.</p> <p>15.2 It is proposed the insertion of clauses in the Bill as follows:</p> <p>(a) Members of the Ras Tafari are exempt to cultivate hemp in furtherance of scientific research, on lands and areas approved for that cultivation and research.</p> <p>(b) The Ras Tafari student organisations are exempt to cultivate hemp on designated premises of different institutions of learning or on organisations' own property for purposes of research.</p> <p>(c) Members of the Ras Tafari are exempt to possess and use hemp when facilitating industrial teaching and learning in public and at institutions of learning.</p> <p>15.3 It is further proposed the insertion of a clause in the Bill to provide that: "Members and organizations of Ras Tafari are exempt to exchange hemp for remuneration or reward."</p>	<p>opposed to as being too limiting for carrying out certain activities which required more quantities than were prescribed in the Bill. Although the Bill regulates cannabis for private purposes, other activities relating to cannabis will still be regulated in terms of other legislation such as the Medicines Act and the Plant Improvement Act.</p> <p>15.2(a) to (c) The proposals are not supported as these aspects fall outside the scope of the Bill, which is intended to regulate cannabis for personal consumption in private. Furthermore, cannabis for research purposes is regulated by other legislation. In addition, the prescribed quantities that necessitated the need for exemption of cultural or religious communities will be removed from the Bill, subject to approval by the Committee.</p> <p>15.3 The proposal is not supported as it amounts to dealing in hemp, which cannot be incorporated in the Bill but possibly in the contemplated national legislation. The non-support of the proposal is also in line with the Prince judgment, where the CC declined to decriminalise the dealing in cannabis.</p>
16.	<p><b>16. Nyahbinghi Order of South Africa</b></p> <p>16.1 It is submitted that the list of hemp varieties approved by Plant Improvement Act is mainly cultivars listed in European Union or North American approved registers featuring only seed supplied by foreign registered seed suppliers. This means that there is none of the South African permit holders who can use local varieties of hemp (low THC indigenous dagga) and all hemp farmers are restricted to imported hemp varieties.</p>	<p>16.1 The submission is noted, but is not for the Bill to deal with. There are permits currently issued in terms of other legislation to those who apply for and qualify for same.</p>

	<p>16.2 The Bill should allow for use of local hemp from local low THC dagga landraces as long as the analytic tests can show that THC % component is low. Indigenous land race owners should be supported to register these seeds and become registered suppliers of local hemp cultivars.</p> <p>16.3 It is submitted that the cannabis plant has many uses other than the smoking, and that any hemp plant found to be exceeding stipulated THC percentages should not be destroyed but rather farmers monitored to convert those crops into applications like bio-fuels, bio-plastics, bio-housing and animal feed.</p> <p>16.4 It is proposed that there should be no imprisonment and steep fines as if cannabis cultivation is a dangerous crime. The use is proposed of a system similar to the ticketing penalties that is used when a licensed driver breaks the rules of the road, or when the car is not road worthy or when someone has not renewed their car license.</p>	<p>16.2 This is a matter for incorporation in the contemplated national legislation.</p> <p>16.3 The Bill empowers the Minister to regulate the destruction of hemp plant or propagating material that is not approved, and also the destruction of hemp product that has excessive THC concentration. The Department will propose to the Committee that the Bill should not provide for destruction of cannabis, and the contemplated national legislation may regulate these.</p> <p>16.4 Proposals will be made to the Committee for penalties in the Bill be further reduced, and heavier penalties be imposed for dealing in cannabis, or engaging a child to deal in cannabis. Most penalties will be proposed to be in the form of fines of up to R2 000 and the imprisonment periods of up to 12 months.</p>
17.	<p><b>17. Cullinan and Associates</b></p> <p>17.1 It is supported the comprehensive cannabis legislation that would facilitate the emergence of a hemp industry and provide for a regulated trade in cannabis, but it is not believed that the Bill, in any of its iterations, will achieve that.</p> <p>17.2 It is submitted that some aspects of the Bill are unconstitutional and that, if it were to be enacted in its current form, it would be challenged in the Courts.</p>	<p>17.1 It was not intended for the Bill to achieve a total commercialisation of hemp industry. However, the contemplated national legislation will regulate the entire trade in cannabis and hemp.</p> <p>17.2 The Committee invited comments specifically and solely on the clause dealing with commercial hemp activities as contained in the Bill. No submissions were made as to which</p>

		aspects of the clause were unconstitutional. The Department submits that the clauses of the Bill in its proposed revised form will be constitutional.
18.	<p><b>18. Qure (Pty) Ltd</b></p> <p>It is submitted that the commercialisation of cannabis should be regulated by the DTIC, with secondary departments involved as they are affected.</p>	The submission is supported, and a decision will be made in future as to which of the DTIC or DALRRD will be the suitable department to regulate cannabis.
19.	<p><b>19. RasTafari Nation Council</b></p> <p>19.1 It is proposed as follows:</p> <p>(a) the Bill should allow for use of local hemp cultivars from the ARC bred hemp 1 and hemp 2 to the existing local land races that have natural low THC even if they are not yet registered;</p> <p>(b) the Bill should discourage the use of exotic cultivars and protect the local cannabis industry against big multinational capitalists' individuals and companies conducting anti-competitive behaviour, by disallowing imported hemp seed and products that are currently flooding the South African market;</p> <p>(c) the legal hemp limits should be maximum of 5% which is not psychedelic;</p> <p>(d) instead of destroying hemp plants that have high THC levels, the plants should be converted into functional products for donation to those who are disadvantaged and resource poor;</p> <p>(e) conditions on hemp permits must not create barriers for hemp farmers from disadvantaged and poor communities.</p>	<p>(a) to (c) These are matters for consideration and possible incorporation in the national legislation that will commercialize cannabis. They are not for incorporation in this Bill.</p> <p>(d) See paragraph 16.3 above. The Bill will not provide for destruction of cannabis, and the contemplated national legislation may regulate this aspect to the extent necessary.</p> <p>(e) Hemp permits are regulated in terms of other legislation, and the Bill will no longer deal with hemp commercialisation.</p>

20.	<p><b>20. Tijmen Grooten</b></p> <p>It is enquired as to whether traditional landrace strains in the Dagga Belt region, particularly in the Eastern Cape (M)pondoland are recognised as approved cultivar. This is an important point of consideration because the registering of the traditional landrace cannabis varieties is a crucial step to allow the commercialisation of the traditional cannabis strains for hemp products.</p>	<p>The commercialisation legislation may deal with strains that are approved as acceptable in the country.</p>
21.	<p><b>21. Umzimvubu Farmers Support Network</b></p> <p>21.1 It is submitted that hemp shouldn't be in the Bill in the first place because the Bill, factually, is intended to regulate only the personal and private use and cultivation of cannabis, not the "commercialisation of hemp".</p> <p>21.2 The insertion of a commercial provision is hardly enabling anything of substance and appears to be a clear attempt to appease those members of civil society and government who have called for a "hemp" industry through the door of this Bill.</p> <p>21.3 It is submitted that the latest iteration merely contains a further unconstitutional addition, i.e. the "hemp" provisions, without having changed any of the other patently unconstitutional provisions in any meaningful manner. One can't help but wonder what the purpose of requesting comments is, and why civil society should go to such lengths itself to consult with affected communities, and to translate the Bill into an accessible language like <i>isiXhosa</i>; when quite clearly, Parliament does not even consider these submissions in any meaningful fashion?</p> <p>21.4 It is submitted that despite the "hemp" regulations and permitting scheme, the overarching legislation, being the Drugs and</p>	<p>21.1 &amp; 21.2 Proposals will be made for the hemp commercialisation clauses be removed from the Bill, following opposition thereto. The contemplated national legislation will therefore be dedicated to the commercialisation of hemp in its entirety.</p> <p>21.3 The grounds of submitting that the hemp provisions and other provisions are unconstitutional are not set out. Public comments received are all evaluated by the Department, and the Bill may be amended in light thereof to an extent necessary.</p> <p>21.4 The schedule to the Bill does amend the Drugs Act by deleting Dronabinol from Part II and Cannabis and THC from</p>



<p>Drug Trafficking Act, has not been amended and still defines cannabis as “<i>the whole plant and any part thereof</i>” which necessarily includes “hemp”. As such, all “hemp” cultivation remains unlawful and in conflict with the Drugs Act. These additions to the Bill will not cure that defect either.</p> <p>21.5 It is further submitted that the additions of the “hemp” provisions are rather unfortunate in that “hemp” is not a plant, but a term used to describe cannabis that is used solely for <i>industrial purposes</i>, as opposed to any other purposes (such as medicinally, culturally, religiously, or recreationally). The arbitrary THC levels of 0.2% - 0.3% (and now even 2.0%) beseeched of the cannabis plant for it to be deemed to be “hemp” are a fallacy, a delusion of grandeur, and a product of prohibition.</p> <p>21.6 Cannabis may only be called “hemp” if it possesses less than 0.3% THC (and now apparently, if this Bill is passed, 2.0% THC per dry weight). Therefore, and because the ancient amaMpondo cultivars contain more than 2.0% THC, it will (according to this definition and Government’s intentions) mean that the amaMpondo will not be able to continue cultivating their world-renowned cannabis cultivars.</p> <p>21.7 The amaMpondo farmers’ rights to cultivate and protect their landrace cultivars are threatened further by the attempt to permit “commercial hemp” without any restrictions on where the “hemp” may be cultivated.</p>	<p>Part III of schedule 2 to the Drugs Act. A proposal will be made to the Committee for the definition to make specific reference cannabis to the extent that it contains a psychoactive component. This will therefore exclude the portions of the plants which do not have psychoactive component from the purview of the Bill.</p> <p>21.5 The hemp commercialisation clauses will, subject to approval by the Committee, be removed from the Bill.</p> <p>21.6 &amp; 21.7 These are what the national legislation may regulate, together with all other aspects relating to cannabis and hemp.</p>
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	<p>21.8 The Bill in its currently revised format will undo all that potential because it will, in essence, continue criminalising the <i>amaMpondo</i> cannabis farmers who have a long history of cultivating cannabis as part of their custom and culture. It is these farmers that Government itself considers to be the backbone of an enabling cannabis economy in South Africa yet no such enabling provisions are paving that way.</p>	<p>21.8 The Bill criminalizes certain specific acts and not the farmers who could farm through a permit or license issued in terms of other legislation. The Bill in its revised form will regulate cannabis for personal consumption, and will not criminalize cannabis farmers.</p>
22.	<p><b>22. Western Cape Government</b></p> <p>22.1 The inclusion of commercial activities within the Bill is supported for this will provide unique growth opportunities within the sector, contribute towards economic stimulation and job creation, and export opportunities.</p> <p>22.2 It is noted that national legislation will be enacted to authorise and regulate cannabis commercial activities. The commercialisation of this activity will therefore only be able to take effect within the next 2 to 4 years. Therefore, it is proposed that consideration be given to including cannabis commercial cultivation in the regulations under the present legislation, and not through a separate piece of national legislation.</p> <p>22.3 It is proposed that hemp should be classified separately and regulated differently and less strictly than other varieties containing higher THC concentrations.</p> <p>22.4 Technical corrections to be effected.</p>	<p>22.1 Noted, however, the Bill will be revised to remove the hemp commercial activities, so that these activities are dealt with in another legislation.</p> <p>22.2 The aim of the Bill is to have an overarching legislation being promulgated to deal with all aspects of cannabis. This commercialisation legislation will deal with all aspects of cannabis and hemp such as import, export, sale, weighing, counting, measuring, labelling, marking, sealing, packing, storing, testing, distribution, transportation, taxation <i>etc</i>, which should be in the empowering commercialisation legislation and not in the regulations or this Bill.</p> <p>22.3 It will be proposed that the Bill deal only with cannabis that has psychoactive component for personal consumption in private. The whole plant and all further aspects of cannabis and hemp will be dealt with in the contemplated national legislation.</p> <p>22.4 The identified technical corrections have been effected.</p>

23.	<p><b>23. Max Ozinsky</b></p> <p>23.1 Objects to the extension of the terms of the Bill to include the commercialisation of hemp. When Parliament was given 2 years by the Constitutional Court to create legislation providing for the private use of cannabis, government had no policy on Cannabis. Today, long after the deadline given by the Court, government still has no policy on this matter.</p> <p>23.2 Government departments still do not have a coordinated policy on cannabis. They hold different and contradictory positions on legalisation of cannabis. As a result amendments are added in drips and drabs to this Bill, with the intention of delaying the Bill further. Most of these amendments contain proposals which are at odds with the Constitution Court judgment and likely to be found unconstitutional if adopted.</p>	<p>23.1 The Constitutional Court made an order requiring Parliament to amend the Drugs Act so as to give effect to the right to privacy in terms of which an adult person is permitted to use cannabis or cultivate cannabis plants for that adult's personal consumption in private. The Bill is being promoted to give effect to that judgment as it does.</p> <p>23.2 A coordinated cannabis policy is being formulated, that will ultimately give way to the commercialisation of cannabis and hemp. The mandate of the department is limited to giving effect to the judgment, and is not its mandate to formulate policy on the entire cannabis industry. Parliament is entitled to improve the Bill to the extent that is necessary, so as to be satisfied with the Bill that it ultimately passes.</p>
24.	<p><b>24. Garreth Prince</b></p> <p>24.1 It is submitted that the Bill's continued insistence to separate dagga and hemp, and to define and link commercial hemp activity, to a concentration of THC, remains problematic, primarily because it does not honour our constitutional rights and ideals, and thus endangers the constitutionality of the Bill.</p> <p>24.2 We have not yet definitively established the sustainability or environmental impact of "approved hemp cultivars", yet the Bill calls for them to be allowed, whilst it downplays the abilities of local dagga.</p> <p>24.3 Under the proposed definition of commercial hemp activity, in clause 11(1)(b)(ii) that "a method of determining THC content be</p>	<p>24.1 Hemp clauses will be removed from the Bill. The Bill will only deal with cannabis that has psychoactive component.</p> <p>24.2 This is matter for consideration in the contemplated national legislation.</p> <p>24.3 Hemp clauses will be removed from the Bill.</p>

	prescribed in the regulations.", but there is no method described in the regulations at present.	
25.	<p><b>25. Moleboheng Semela</b></p> <p>25.1 It is submitted that hemp and cannabis must be regulated like any other commodity. It must be the end product of the herb that must be regulated.</p>	25.1 Cannabis is a substance that has narcotic effect, and as such must be regulated as required by the UN conventions which South Africa is signatory to. However, hemp clauses will be removed from the Bill.
26.	<p><b>26. Michael Fagan</b></p> <p>26.1 The immediate raising of the requirements to limit industrial hemp legislation from a .2% THC content to a worldwide acceptance of a 2% limit will unlock the potential of large scale growth of industrial hemp. The effect of this will, within a very short period of time, unlock the huge potential of the industry to create a multitude of jobs in a variety of industries.</p>	26.1 Noted.